IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE G.ROHINI

WRIT PETITION NO : 12203 of 2004

Between:

R.D. Bhutada,
Feelkhana Building Owner's Association, Regd.No. 455/94, 15-8-451, Ahilya Bhuvan , Feelkhana,
Hyderabad- 500 012.

..... PETITIONER

AND

1 The Managing Director, Hyderabad Metropolitan Water Works and Sewerage Board
Khairatabad, Hyderabad.
2 The General Manager, Hyderabad Metropolitan Water Works and Sewerage Board
Red Hills, Hyderabad.
3 The Dy. General Manager, Hyderabad Metropolitan

Water Works and Sewerage Board
Bogulkunta, Hyderabad.
4 The Director Technical, Hyderabad Metropolitan Water Works and Sewerage Board
Khairatabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, direction, or a writ, more particularly one in the nature of writ of Mandamus calling for the remarks and records from the Respondents herein in and connected to highly contaminated and polluted water supply to the Feelkhana locality from Boggulkunta & Ghodeki Kabaar reservoirs since last two decades. Representations made repeatedly by the Association and residents of the locality before all levels of authorities for redressel of grievances and to lay new pipelines away from drainage lines, instead of repairing existing pipelines occasionally which is an unsucess task. Therefore it is prayed that the intervention of the Hon'ble Court to issue direction to the authorities for supply of clean and clear water to the residents of the Feelkhana locality to avoid wastage of water and deceases and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : TAKEN UP PETITION

Counsel for the Respondents : Smt. M.Venkateswari.

The Court made the following :

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ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1 . Feelkhana Buildings Owners' Association sent the letter, which is registered as taken up writ petition. In the letter it is alleged about callous, negligent and inhumane attitude of the Hyderabad Metropolitan Water Works and Sewerage Board and its top officials. Inter alia it was alleged that water supplied to the locality is highly contaminated and polluted, particularly supply which is made from Boggulkunta reservoir and Ghadeki Kabaar reservoir for the last two decades and repeatedly representations were made, but without any effective action on the part of the respondents. Occasional repair work carried out is futile as no result is achieved except for contractor's benefit. It is also alleged that potable water is wasted due to mixing of drain water.

2. Notice was issued to respondent – Board. Counter affidavit has been filed by Sri P.S. Suryanarayana, General Manager, Division No. IV, Hyderabad Metro Water Supply & Sewerage Board, Hyderabad. Substantial allegations as regards the polluted water and mixing of the water and need for urgent repairs to the existing pipelines have not been disputed. It is stated that Feelkhana area is densely populated and commercial area. Pipelines were laid many years ago and some of the pipelines are underneath the existing houses which cannot be repaired. It is not denied that there was pollution in the drinking water supplied and on receipt of representation from the petitioner - Association, Chairman of the Board, in the year 2003, accorded

sanction to replace some of the damaged pipelines. Some of the damaged RCC lines were replaced with C.I. pipes to control pollution in Maziram Camp, Old Feelkhana, Rangeem Taleem and Patanwadi areas. It is also stated that 100 mm Dia damaged line was abandoned. Some of the sewer connections were connected to storm water drain. As the water supply lines and PPC connection pipelines are connected to storm water drain, pollution is caused. Steps have been taken to identify the houses which are letting sewerage into the storm water drain. It has been assured in the affidavit in reply that whenever a complaint is received from the residents of any locality, the officials concerned will inspect the site and examine the reasons and initiate necessary steps or attend to the complaints effectively. In nutshell, the respondent – Board states that several measures have been undertaken to supply potable water to the residents of Feelkhana by replacing badly damaged pipelines. Proposals are also being formulated for supplying potable water by laying fresh pipelines with a cost of Rs.20,00,000=00.

3. We are not adjudicating upon the rival contentions made in the petition as well as in the reply filed by respondent – Board. But respondent – Board must understand its responsibility and obligation towards citizens to ensure supply of potable water and always ensure that complaints made are attended to promptly. Any pollution in the drinking water obviously would lead to unnecessary complications of some water borne diseases which can be prevented only by watchful eye being kept by respondent – Board in the water supply system. Therefore, respondents are well-advised to take up the matter carefully, gear it up and address to the problems which are faced by the residents and ensure that slowly and gradually old worn out pipelines are replaced with new pipelines, ensuring supply of potable water to everyone in the locality.

4. With the above observations, writ petition is disposed of. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 24.08.2004.

VRK.

To

1 The Managing Director, Hyderabad Metropolitan Water Works and Sewerage Board,
Khairatabad, Hyderabad.
2 The General Manager, Hyderabad Metropolitan Water Works and Sewerage Board,
Red Hills, Hyderabad.

3 The Dy. General Manager, Hyderabad Metropolitan Water Works and Sewerage Board,
Boggulkunta, Hyderabad.
4 The Director Technical, Hyderabad Metropolitan Water Works and Sewerage Board,
Khairtabad, Hyderabad.

5. The Officer concerned, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

6. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.P.NO.12203 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 24.08.2004.